3:Gt. Brit. . Colonial Office G-3 (1938) 1940. MM1 Aden MM1

206 The present rates for direct connections are :—

	Rs.
Within a radius of 3 miles of the exchange	300 per annum.
For each additional half mile or fraction thereof	40 ,, ,,
An extension in the same building costs	120 ,, ,,

XII.—PUBLIC WORKS

653 Public Works in Aden are managed by the Aden Port Trust who maintain a separate staff for this Department. For this service the Port Trust are paid the actual expenditure of this department plus 7½ per cent. for office accommodation, and other incidental expenses.

Works in connection with reads, the development of the water supply and the electricity supply are carried out by the Aden Settlement.

The harbour and wharves are under the control of the Aden Port Trust.

XIII.—JUSTICE, POLICE AND PRISONS

Justice and Crime

692 The Colony has a Supreme Court with unlimited civil and criminal 695 jurisdiction. An appeal lies from the Supreme Court to the High 681 Court of Judicature at Bombay—

(*a*) in civil cases—

(i) from any final judgment where the value of the subject matter in dispute in appeal is Rs. 5,000 or upwards,

(ii) with the leave of the Supreme Court or the High Court of Judicature at Bombay, from any judgment, final or interlocutory, if, by reason of the importance of the question involved in the appeal or otherwise, the Court is satisfied that leave to appeal ought to be granted ; and

(*b*) in criminal cases, from any judgment, provided that the sentence imposed is one of imprisonment exceeding six months or of fine exceeding Rs. 500 or is one which includes such imprisonment or fine.

When sentence of death is passed, an appeal, whether lodged or not, is deemed to have been lodged and the Courts concerned act accordingly.

A second appeal lies to His Majesty in Council—

(*a*) as of right, from any final judgment of the High Court, when the value of the subject-matter in dispute in such second

3:Gt. Brit. . Colonial Office G-3 (1938) 1940 MM1 Aden MM1

appeal is Rs. 10,000 or upwards, provided that, in case the judgment appealed from affirms the decision of the Supreme Court, the second appeal involves some substantial question of law; and

(*b*) at the discretion of the High Court, from any other judgment, whether final or interlocutory, if in the opinion of the High Court, the question involved in the second appeal is one of great general or public importance.

The Supreme Court is presided over by a Chief Justice. It is the only Court of Appeal in the Colony, and also has powers of revision.

The other Civil Courts in the Colony are:—

(1) The Court of the Registrar, and

(2) The Court of Small Causes.

The Registrar of the Supreme Court is the Judge of both these Courts.

The jurisdiction of the Court of the Registrar extends to all original suits wherein the value of the claim does not exceed Rs. 1,000; but certain suits of a prescribed nature are excluded from the jurisdiction of the Court, e.g.—

Suits concerning acts or orders done or made by officers of Government in their official capacity;

Suits for specific performance or rescission of a contract, rectification or cancellation of an instrument, or an injunction;

Suits relating to a trust;

Suits upon foreign judgments;

Suits for a general average loss or salvage, or compensation in respect of collision between ships;

Suits for restitution of conjugal rights, divorce, or the custody of a minor.

The Court of Small Causes has jurisdiction, save as regards certain suits excepted from its cognizance, provided the value of the subject-matter does not exceed Rs. 500.

An appeal lies to the Supreme Court from every decree passed by the Court of the Registrar and from every decree passed by the Court of Small Causes provided that the value of the claim exceeds Rs. 50.

Subject to the provisions of any Statute in force in England which expressly applies in the Colony or has been extended thereto by Order in Council and of any enactment for the time being in force in the Colony, and so far as the said Statute or enactment shall not extend or apply the Civil Courts in the Colony exercise their jurisdiction in conformity with usage, and, in the absence of usage in conformity with the substance of the common law, the doctrines of equity, and the Statutes of general application in force in England on 1st of April, 1937. The common law, doctrines of equity and

2:Gt. Brit. . Colonial Office G-3 (1938) 1940 MM1 Aden MM1

671 692 Statutes of general application are applied so far only as the circumstances of the Colony and its inhabitants permit and subject to such qualifications as local circumstances may render necessary. In particular, the personal law of Mohamedans, Hindus, Jews and Parsees are applied, save in so far as that law has been expressly superseded by legislation, in matters of marriage, divorce, guardianship, inheritance, etc.

The enactments in force in the Colony on the 31st December, 1938, include sixty-three Ordinances, thirty-eight of which were enacted during the period under review, and all Indian and Bombay Acts and Regulations in force in the Colony on 31st March, 1937, not expressly repealed thereafter.

692 The Supreme Court is the only Criminal Court having power to pass a sentence of imprisonment exceeding two years or fine exceeding one thousand rupees. All trials in the Supreme Court are by jury. In the case of Europeans and Americans, the majority of the jurors must be Europeans or Americans. The other Criminal Courts of the Colony are those of—

(1) The Chief Magistrate,

(2) The Divisional Magistrates at Tawahi, Crater, Sheikh Othman and Perim.

An appeal lies to the Supreme Court in all cases in which a sentence of imprisonment exceeding one month or of fine exceeding Rs. 50 has been passed. The Supreme Court has also powers of revision.

695 681 No sentence of death can be passed on a pregnant woman or a youthful offender. Save in exceptional cases, a youthful offender is dealt with—

(1) by placing him on probation, or

(2) by discharging him after due admonition, or

(3) by delivering him to his parent, guardian or relative, who has executed a bond for his good behaviour, or

(4) by a fine, or

(5) by whipping, or

(6) by ordering his detention.

691 There is a considerable amount of petty civil litigation in the Colony. During the period under review, 59 suits of value Rs. 1,55,304–5–2 were filed in the Supreme Court, 315 suits of value Rs. 45,061–15–9 in the Court of the Registrar and 1,525 suits of value Rs. 58,272–7–1 in the Court of Small Causes. 37, including seven of previous years' suits of value Rs. 99,827–13–0 were disposed of by the Supreme Court, 265 suits of value Rs. 31,747–5–9 by the Court of the Registrar, and 1,376 suits of value Rs. 49,439–7–7 by the Court of Small Causes. 28 applications for revision were filed and 43 appeals lodged in the Supreme Court which disposed of 28 such applications and 35 appeals. The miscellaneous proceedings in the Supreme Court included 46 applications concerning guardianship matters, 15 applications for succession certificate, and 52

3:Gt. Brit. Colonial Office G-3 (1938) 1940 MM1 Aden MM1

691 107 applications for maintenance were made in the Courts of the Magistrates. In 47 cases orders for maintenance were granted.

The offences in respect of which persons were tried in the Supreme Court were—

(1) Culpable homicide not amounting to murder,
(2) Forgery of a cheque and cheating,
(3) Murder,
(4) House trespass and outraging the modesty of a woman,
(5) Forging a Court document.

695 58 criminal appeals were lodged and 62 proceedings in revision taken in the Supreme Court. In 11 appeals the cases were remanded for retrial, and 23 appeals were dismissed. In 14 cases appeals were allowed and in 6 cases sentences were reduced. 51 applications for revision were dismissed. In one case sentence was enhanced, in 2 cases sentences were reduced, and in 5 cases convictions were set aside and 3 cases were ordered to be retried.

693 There are 6 lawyers practising in the Courts of the Colony, three being Hindus, two Mohamedans and one a Parsee. Sanads are granted by the Supreme Court under rules made under the Supreme Court Ordinance. Two of these lawyers are Barristers-at-Law and the other four have Indian legal qualifications.

Police

625 The police under the control of a Commissioner of Police and a Deputy Commissioners of Police consist of two forces, an unarmed and an armed force. The strength of the former is 9 Inspectors, 4 Jamadars and 306 men. The strength of the armed force is 4 Inspectors, 1 Jamadar and 200 men. Details of the strength are as follows:—

Unarmed Police

	Inspectors.	*Jamadars.*	*Head Constables and Constables.*
Aden Land and Sheikh Othman Foot Police.	5	2	225
Perim Land Police	—	—	12
Sheikh Othman Mounted Police	—	1	12
Aden Harbour Police ...	4	1	57
Total	9	4	306

Armed Police

At Aden	2	1	138
At Perim	1	—	32
At Kamaran	1	—	30
Total	4	1	200

4:Gt. Brit., Colonial Office G-3 (1937) 1939 MM1 Aden MM1

695

No sentence of death can be passed on a pregnant woman or a youthful offender. Save in exceptional cases a youthful offender is dealt with—

(1) by placing him on probation, or
(2) by discharging him after due admonition, or
(3) by delivering him to his parent, guardian or relative, who has executed a bond for his good behaviour, or
(4) by fine, or
(5) by whipping, or
(6) by ordering his detention.

691

There is a considerable amount of petty civil litigation in the Colony. During the period under review, 22 suits of value Rs.79,957-10-0 were filed in the Supreme Court, 275 suits of value Rs.41,736-13-3 in the Court of Registrar, and 1,142 suits of value Rs.55,063-2-11 in the Court of Small Causes. Twenty-seven suits of value Rs.88,373-14-9 were disposed of by the Supreme Court, 285 suits of value Rs.44,529-3-9 by the Court of the Registrar, and 1,150 suits of value Rs.53,936-5-6 by the Court of Small Causes. Thirty-two applications for revision were filed and three appeals lodged in the Supreme Court which disposed of thirty-one such applications and three appeals. The miscellaneous proceedings in the Supreme Court included thirty-two applications concerning guardianship matters, five applications for succession certificates, and sixteen applications concerning other matters. The corresponding disposals were 29, 5, and 16 respectively. Eight insolvency proceedings were before the Supreme Court. Eleven estates of minors and one estate of a lunatic were in charge of the Supreme Court. Ten divorce cases were heard by the Courts, all brought by Mohammedan women and decrees were granted in five cases.

The following number of criminal cases were heard and determined in the Courts of the Magistrates during the period under review:—

Number of persons.			*Convictions.*	*Discharged or acquitted.*
Males.	*Females.*	*Total.*		
1,737	348	2,085	979	1,042

Two cases were committed to the Supreme Court, one resulting in a conviction, and one in acquittal. The majority of criminal cases heard in the Courts of the Magistrates were for minor offences against the person, insult, affray, minor offences punishable under the Aden Settlement Regulation or the Police Ordinance, and minor traffic offences.

5:Gt. Brit., Colonial Office G-3 (1947) 1949 MM1 Aden MM1

657 735 Government which contributes Rs. 50,000 per annum, dispenses relief to the aged and infirm. A voluntary committee also collects materials and funds, especially for children's welfare. Provision is made in the Colony Estimates for Rs. 13,000 on welfare staff and Rs. 3,000 on transport, etc.

There are no social welfare officers or probation officers at present; the appointment of a social welfare officer has been approved, but he has not yet been appointed. An assistant welfare officer who was trained in the United Kingdom arrived in December, 1947, and has taken up his duties.

Chapter 8: Legislation

646 The year 1947 saw the first session of Legislative Council in this Colony. Four sittings were held, in January and April respectively. Thirteen Bills were passed, which included two important new measures, the Rent Restrictions Ordinance and the Widows' and Orphans' Pensions Ordinance.

For approximately the first nine months of the year the post of Attorney-General was vacant. This threw a great deal of extra work on the Crown Counsel and unavoidably affected the drafting of new legislation.

Chapter 9: Law and Order

JUSTICE

692 695 The Colony has a Supreme Court with unlimited civil and criminal jurisdiction. An appeal lies from the Supreme Court to the High Court of Judicature at Bombay*:

(*a*) in civil cases:

(i) from any final judgment where the value of the subject-matter in dispute in appeal is Rs. 5,000 or upwards;

(ii) with the leave of the Supreme Court or the High Court of Judicature at Bombay, from any judgment, final or interlocutory, if, by reason of the importance of the question involved in the appeal or otherwise, the Court is satisfied that leave to appeal ought to be granted; and

(*b*) in criminal cases from any judgment, provided that the sentence imposed is one of imprisonment exceeding six months or of fine exceeding Rs. 500 or is one which includes such imprisonment or fine.

When sentence of death is passed, an appeal, whether lodged or not is deemed to have been lodged, and the Courts concerned act accordingly.

A second appeal lies to His Majesty in Council:

---

* Appeal to the High Court at Bombay has since been abolished and appeal to the Court of Appeal in Nairobi has been substituted.

5:Gt. Brit., Colonial Office G-3 (1947) 1949 MM1 Aden MM1

(*a*) as of right, from any final judgment of the High Court, when the value of the subject-matter in dispute in such second appeal is Rs. 10,000 or upwards, provided that, in case the judgment appealed from affirms the decision of the Supreme Court, the second appeal involves some substantial question of law; and

(*b*) at the discretion of the High Court, from any other judgment, whether final or interlocutory, if in the opinion of the High Court the question involved in the second appeal is one of great general or public importance.

The Supreme Court is presided over by a Judge of the Supreme Court. It is the only Court of Appeal in the Colony, and also has powers of revision.

The other Civil Court in the Colony is the Court of Small Causes, presided over by the Registrar of the Supreme Court, who is *ex officio* the Judge of the Court of Small Causes and is also the Chief Magistrate. Provision is also made for the appointment of an additional Judge of the Court of Small Causes. In practice the Chief Magistrate and one of the other magistrates sit separately as Judge or additional Judge of the Court of Small Causes.

The Court of Small Causes has jurisdiction, save as regards certain suits excepted from its cognizance, if the value of the subject-matter does not exceed Rs. 500. An appeal lies to the Supreme Court from every decree passed by the Court of Small Causes provided that the value of the claim exceeds Rs. 50.

Subject to the provisions of any statute in force in England expressly applied to the Colony, or which has been extended thereto by Order in Council, and of any enactment for the time being in force in the Colony, and so far as the said statute or enactment does not extend or apply, the civil courts in the Colony exercise their jurisdiction in conformity with usage, and in the absence of usage in conformity with the substance of the common law, the doctrines of equity and statutes of general application in force in England on 1st April, 1937. The common law, doctrines of equity and statutes of general application are applied so far only as the circumstances of the Colony and its inhabitants permit and subject to such qualifications as local circumstances may render necessary. In particular, the personal law of Mohammedans, Hindus, Jews and Parsees is applied, save in so far as that law has been expressly superseded by legislation, in matters of marriage, divorce, guardianship, inheritance and certain other matters.

On both the civil and criminal sides the procedure of the Courts is governed by ordinances which are based on Indian models.

The Supreme Court is the only criminal court having power to pass a sentence of imprisonment for a term exceeding two years or fine exceeding Rs. 1,000. All criminal trials in the Supreme Court are by jury. In the case of Europeans and Americans the majority of the jurors must be Europeans or Americans.

There are three magistrates, including the Chief Magistrate, who

S:Gt. Brit., Colonial Office G-3 (1947) 1949 MM1 Aden MM1

693 individually exercise the powers of a magistrate of the first class as provided by the Criminal Courts Ordinance, 1937, and regular sittings are held at Crater, Tawahi and Sheikh Othman.

692 An appeal lies from the Magistrate's Court to the Supreme Court
695 in all criminal cases in which a sentence of imprisonment exceeding one month or fine exceeding Rs. 50 has been passed, and the Supreme Court has also powers of revision.

No sentence of death can be passed on a pregnant woman or a person under the age of 16 years.

A youthful offender may be dealt with by placing him on probation, or by discharging him after due admonition, or by delivering him to his parent, guardian or relative, who has executed a bond for his good behaviour, or by fine, or by whipping, or by ordering his detention.

The Courts performed their usual functions throughout the year. On the criminal side there was an increase of cases both in the Supreme Court and in the Magistrates' Courts. In the Lower Courts there was a very considerable increase in petty offences such as infringements of the Port Rules and minor infringements of the Traffic Ordinance and Rules.

[693] Although there were eight professional pleaders in the Colony, in the great majority of civil cases even in the Supreme Court one or both parties
694 appeared in person without a pleader. This fact and the Indian procedure as followed in the Colony whereby every step in pleadings involves an appearance before the Judge causes a great deal of delay. On the criminal side in the Magistrates' Courts similar delay is caused by the fact that a preliminary enquiry has to be made in every case punishable with imprisonment for a term exceeding six months before the accused can be charged and required to plead. This requirement exists irrespective of the facts of any particular case and even though the case is one that may be tried summarily without recording the evidence.

Owing to the increase of work, Government agreed to the appointment of a second magistrate of the first class on a contractual basis.

691 There is a considerable amount of civil litigation in the Colony. During the year 1947, 304 civil suits were filed in the Supreme Court and 328 civil suits were finally decided. Ten applications for civil revision were filed and decided. Twenty-three civil appeals were lodged in the Supreme Court which disposed of all. The miscellaneous proceedings in the Supreme Court included 30 applications concerning guardianship matters, 10 for succession certificates, 58 for heirship certificates, two for letters of administration, one for probate; and excluding execution proceedings and interlocutory applications, there were 22 other applications, making in all 123. The corresponding disposals were 34, 10, 63, 1, 1, and 23 respectively, making in all 132.

Twenty-six estates were in charge of the Supreme Court.

586 All six cases for dissolution of Mohammedan marriages filed during the year were disposed of.

674 Eleven criminal cases were committed to the Supreme Court during 1947 for trial, out of which nine were disposed of during the year and the remaining two were heard and decided in January, 1948.

5:Gt. Brit., Colonial Office G-3 (1947) 1949 MM1 Aden MM1

681

Sessions Case No.	*Accused No.*	*Nature of Charges*	*Result*
11	1	Murder under Section 302 of the Indian Penal Code.	Convicted and sentenced to death.

674

At the beginning of 1947 one criminal appeal was pending and during the year 190 others were filed. Thirty-one appeals were allowed and the appellants acquitted or discharged. One appeal was allowed and retrial ordered. In 28 appeals convictions were sustained but the sentences altered. One hundred and seventeen appeals were dismissed and the remaining 14 were pending at the end of the year and disposed of in January, 1948. The average time taken for the disposal of a criminal appeal is about a fortnight from the filing of the memorandum. 695

Applications for revision on the criminal side totalled 56, of which 21 were dismissed. Convictions were altered but sentences confirmed in five cases. Proceedings were set aside and retrial ordered in three cases; and in 25 cases convictions and sentences were set aside. The remaining two cases were disposed of early in 1948.

In the Small Causes Court 717 suits were filed and 763 were disposed of during the period under review.

The following table contains a classified summary of the criminal cases decided in the Magistrates' Courts in the year 1947: 674

Males	*Females*	*Total*	*Convictions*	*Discharged or acquitted*
10,619	378	10,997	6,520	4,477

Seven cases involving 15 persons were committed to the Supreme Court

Offences	*No. of persons*
Offences punishable under Motor Traffic Ordinance and Rules	2,394
Voluntarily causing hurt	264
Assault	298
Other offences against the person	111
Theft	370
Other offences against property	214
Insult	248
Affray	360
Other offences punishable under the Indian Penal Code	376
Offences punishable under the Police Ordinance	1,937
Offences punishable under the Township Rules	738
Offences punishable under other laws including Port Rules	3,683
Offences punishable under the Cruelty to Animals Rules	4
TOTAL	10,997

6:Gt. Brit., Colonial Office G-3 (1948) 1950 MM1 Aden MM1

1st October, 1948, appeals lie from the Supreme Court to the Court of Appeal for Eastern Africa instead of the High Court of Judicature at Bombay. 692

Since 1st October, 1948, the extent of the right of appeal is as follows: 695

In criminal cases:

1. Any person convicted on a trial held by the Supreme Court may appeal to the Court of Appeal

(*a*) on a matter of law; provided that for the purposes of this section a matter of law shall not be taken to include severity of sentence, and

(*b*) with the leave of the Court of Appeal or upon the certificate of the Judge who tried the case that it is a fit case for appeal on any ground of appeal which involves a question of fact alone or a question of mixed law and fact or any other ground which appears to the Supreme Court to be a sufficient ground of appeal, and

(*c*) with the leave of the Court of Appeal against the sentence passed on conviction unless such sentence is one fixed by law.

2. Any party to criminal proceedings held before the Supreme Court in its appellate jurisdiction may appeal to the Court of Appeal on a matter of law but not on a matter of fact; provided that for the purposes of this section a matter of law shall not be taken to include severity of sentence.

3. In the case of a sentence of death

(*a*) the sentence shall not be executed until after the expiration of the time within which a memorandum of appeal against the sentence may be presented;

(*b*) if a memorandum of appeal is filed the sentence shall not be executed until the appeal has been disposed of or abandoned;

(*c*) if a petition for leave to appeal or for leave to file a memorandum of appeal out of time is presented the sentence shall not be executed until leave to appeal or to file the memorandum of appeal out of time has been refused or the appeal has been disposed of or abandoned.

Provided that if the sentence has been confirmed by the Governor it may be executed without further extension notwithstanding that a petition for leave to appeal or to file a memorandum of appeal out of time may have been presented after the time for appeal has expired.

In civil cases:

1. Subject to any rules which may be made, an appeal shall lie in civil cases from the Supreme Court to the Court of Appeal

(*a*) as the right, from any final judgment of the Supreme Court where the appeal involves, directly or indirectly, some claim or question respecting property or some civil right of the value of two thousand rupees or upwards;

(*b*) with the leave of the Supreme Court, from any other judgment of the Supreme Court, whether final or interlocutory, if, by reason of the importance of the question involved in the appeal or other-

6:Gt. Brit. . Colonial Office G-3 (1948) 1950 MM1 Aden MM1

695 wise, the Court is satisfied that leave to appeal ought to be granted;

(c) with the leave of the Court of Appeal where the Supreme Court has refused to give leave to appeal under paragraph (b) of this sub-section and the Court of Appeal considers that leave to appeal ought to be granted.

2. The Governor in Council may by Rules prescribe, or enable Rules of Court to be made prescribing the imposition upon rights of appeal of conditions as to the giving of security or otherwise.

A second appeal lies to His Majesty in Council in certain cases.

692 The Supreme Court is presided over by a judge of the Supreme Court. It is the only Court of Appeal in the Colony, and also has powers of revision.

The other Civil Court in the Colony is the Court of Small Causes, presided over by the Registrar of the Supreme Court who is *ex officio* the Judge of the Court of Small Causes and also the Chief Magistrate. Provision is also made for the appointment of an additional Judge of the Court of Small Causes. In practice the Chief Magistrate and one of the other Magistrates sit separately as Judge and Additional Judge of the Court of Small Causes.

The Court of Small Causes has jurisdiction, save as regards certain suits excepted from its cognizance, if the value of the subject matter does not exceed Rupees 500. An appeal lies to the Supreme Court from every decree passed by the Court of Small Causes provided that the value of the claim exceeds Rupees 50.

Subject to the provisions of any statute in force in England expressly applied to the Colony or which has been extended thereto by Order-in-Council and of any enactment for the time being in force in the Colony and so far as the said statute or enactment does extend or apply, the civil courts in the Colony exercise their jurisdiction in conformity with usage, and in the absence of usage, in conformity with the substance of the common law, the doctrines of equity, and statutes of general application in force in England on 1st April, 1937. The common law, doctrines of equity and statutes of general application are applied so far only as the circumstances of the Colony and its inhabitants permit and subject to such qualifications as local circumstances may render necessary. In particular the personal law of Mohammedans, Hindus, Jews and Parsis is applied, save in so far as that law has been expressly superseded by legislation, in matters of marriage, divorce, guardianship, inheritance and certain other matters.

[671] On both the civil and criminal sides the procedure of the Courts is governed by Ordinances which are based on Indian models.

The Supreme Court is the only criminal court having power to pass a sentence of imprisonment for a term exceeding two years or fine exceeding Rs. 1,000. All criminal trials in the Supreme Court are by jury. In the case of Europeans and Americans, the majority of the jurors must be Europeans or Americans.

6: Gt. Brit., Colonial Office G-3 (1948) 1950 MM1 Aden MM1

No sentence of death can be passed on a pregnant woman or a person under the age of sixteen years.

A youthful offender may be dealt with:

(1) by placing him on probation, or
(2) by discharging him after due admonition, or
(3) by delivering him to his parent, guardian, or relative, who has executed a bond for his good behaviour, or
(4) by fine, or
(5) by whipping, or
(6) by ordering his detention.

There are three Magistrates including the Chief Magistrate who individually exercise the powers of a Magistrate of the first class as provided by the Criminal Courts Ordinance 1937, and regular sittings are held at Crater, Tawahi and Sheikh Othman.

An appeal lies from the Magistrate's Court to the Supreme Court in all criminal cases in which a sentence of imprisonment exceeding one month or fine exceeding Rs. 50 has been passed and the Supreme Court has also powers of revision.

During the year Rent Tribunals were set up for the assessment of the standard rent of lettings. The Tribunals are not staffed by the Judicial Department but the Supreme Court can entertain an appeal from the decision of a Tribunal.

The Courts performed their usual functions throughout the year. On the criminal side there has been an increase of cases in the Magistrates' Courts.

In addition to His Honour the Judge of the Supreme Court the Judicial Staff consisted of Mr. Nunn, Chief Magistrate and Messrs. Mansoor and Kazi, Magistrates of the first class. During the year Mr. Nunn was on leave from 2nd June, 1948, to 4th October, 1948, during which period Mr. Mansoor acted as Chief Magistrate and Judge of the Small Causes Court and Mr. Kazi continued to act as Additional Judge of the Small Causes Court.

Although there were seven professional pleaders in the Colony, in the great majority of civil cases even in the Supreme Court one or both parties appeared in person without a pleader. This fact and the Indian procedure as followed in the Colony whereby every step in pleadings involves an appearance before the Judge causes a great deal of delay which could be obviated by procedural reform. On the criminal side in the Magistrates' Courts similar delay is caused by the fact that a preliminary enquiry has to be made in every case punishable with imprisonment for a term exceeding six months before the accused can be charged and required to plead. This requirement exists irrespective of the facts of any particular case and even though the case is one that may be tried summarily without recording the evidence.

There is a considerable amount of civil litigation in the Colony. During 1948, 459 civil suits were filed in the Supreme Court and 326 civil suits were finally decided. Six applications for civil revision were filed and all were decided. Twenty-eight civil appeals were lodged in

6:Gt. Brit., Colonial Office G-3 (1948) 1950 MM1 Aden MM1

695

Applications for revision on the criminal side totalled 19, of which 10 were dismissed. In eight cases convictions and sentences were set aside and appellants acquitted. In one case the conviction was altered and sentence reduced.

674

In the Small Causes Court 896 suits were filed and 853, including 20 cases of the previous year, were disposed of during the period under review.

The following table contains a classified summary of the criminal cases decided in the Magistrate's Courts in the year 1948:

Number of Persons

Males	*Females*	*Total*	*Convictions*	*Discharged or acquitted*
11,666	722	12,388	6,804	5,584

Four cases involving six persons were committed to the Supreme Court.

Offences	*No. of persons*
Offences punishable under Motor Traffic Ordinance and Rules	3,801
Voluntarily causing hurt	242
Assault	287
Other offences against the person	603
Theft	340
Other offences against property	149
Insult	395
Affray	419
Other offences punishable under the Indian Penal Code	625
Offences punishable under the Police Ordinance	3,081
Offences punishable under the Township Rules	1,118
Offences punishable under other laws including Port Rules	1,320
Offences punishable under the Cruelty to Animals Rules	8
TOTAL	12,388

681

The various punishments imposed during the year in respect of the convictions in the Courts of the Magistrates were as follows:

Imprisonment with or without fine	1,161
Whipping	30
Fine only	4,799

691

Five hundred and sixty-one applications for maintenance were made in the Magistrates' Courts. In 320 cases orders for maintenance were granted, and in the remaining cases, maintenance was disallowed.

692

The Magistrates are required to submit monthly returns of the criminal cases decided in their courts on the same lines as in East Africa. This system has kept the Supreme Court in closer touch with the current work of the Magistrates' Courts and enables closer supervision to be

7: Gt. Brit., Colonial Office G-3 (1949-50) 1951 MM1 Aden MM1

671 The Exchange Control Ordinance, which supersedes the Defence (Finance) Regulations, 1941. It follows the United Kingdom Exchange Control Act of 1947.

Chapter 9: Law and Order

JUSTICE

692 Aden Colony has a Supreme Court with unlimited civil and criminal jurisdiction presided over by a Judge of the Supreme Court. There are subordinate Civil and Criminal Courts. Subordinate civil business is transacted by the Court of Small Causes. In addition, there are Magistrates' Courts which hold sessions at Crater, Tawahi and Sheikh Othman. The Registrar of the Supreme Court is the Chief Magistrate.

The Supreme Court enjoys both an original and an appellate jurisdiction, appeal lying from the Court of Small Causes in civil matters and from the Magistrates' Courts in criminal matters.

From the Supreme Court, exercising its original jurisdiction, there is an appeal, in certain circumstances, to the Court of Appeal for Eastern Africa, provided that, in civil matters, the claim is in respect of a sum of Rs. 2,000 or upwards.

In May, 1949, the acting Judge proceeded into the Western Aden Protectorate in order to try a case of murder. This was the first occasion on which a Judge of the Supreme Court has sat outside the boundaries of the Colony.

During 1950 the Judge of the Supreme Court was invited twice to sit on the Court of Appeal for Eastern Africa at Nairobi and Dares Salaam.

695 The following criminal cases were heard by the Supreme Court :

682 1949 :

Charge :	*Result :*
Murder	Convicted of culpable homicide and sentenced to 15 months rigorous imprisonment.
Culpable homicide ..	Convicted of simple hurt and sentenced to one day simple imprisonment.
Murder	Convicted and executed after appeal to the Privy Council had been dismissed.
Murder	Convicted ; on appeal to the East African Appeal Court found guilty but insane and detained in custody.

1950 :

Attempted Rape	Convicted and sentenced to 5 years rigorous imprisonment. On appeal to the East African Appeal Court sentence reduced to 2 years.	695 684 682

There were acquittals in two cases, murder and attempted rape ; and one case, assaulting a public servant, was withdrawn.

There were 124 appeals from Magistrates Court in criminal cases in 1949 and 98 in 1950. 695

691

	1949	1950
Civil Cases in the Supreme Court :		
Suits filed	421	438
Suits disposed of	365	348
Miscellaneous applications	220	189
Applications for :		
Guardian orders	51	44
Succession certificates	12	16
Heirship certificates	116	70
Letters of administration	10	8
Probate	5	5
Others	26	46
Suits for dissolution of Mohammedan marriages	12	10
Appeals from Court of Small Causes ..	9	22
Applications for revision	3	3
Court of Small Causes :		
Suits filed	812	815
Suits disposed of	778	706
Magistrates Courts :		
Cases filed	9,789	11,075
Persons charged : Males	12,416	12,807
Females	442	89
Total	12,858	12,896
Convicted	7,387	7,345
Acquitted or discharged	5,471	5,551
Offences against Motor Traffic Laws ..	3,635	3,775
Voluntarily causing hurt	152	178
Assault	612	744
Other offences against the person	89	124
Theft	246	267
Other offences against property	377	365
Insult	362	426
Affray	348	326

8:Gt. Brit., Colonial Office G-3 (1951-52)1954 MM1 Aden MM1

Chapter 8: Legislation

1951

In 1951, 24 Ordinances were enacted of which the following were the more important: 464

The Employment of Women, Young Persons and Children (Amendment) Ordinance (No. 1 of 1951), which made it an offence for any person to employ children as coal coolies, an employment unsuitable for children.

The Port Trust Ordinance (No. 3 of 1951), which consolidated and amended the statutory powers of the Trustees of the Port of Aden. It replaced the Aden Port Trust Act, 1888 (Bombay Act V of 1888). 505

The Income Tax Ordinance (No. 5 of 1951), which repealed and replaced the former Income Tax Ordinance (Cap. 67), which was based on the Indian Income Tax Act, 1922, and introduced up-to-date legislation based on the model Income Tax Ordinance advocated by the Secretary of State. The change involved no departure from the basic principles governing the incidence and scope of the tax but was directed solely to securing better and more practical machinery. 651

The Criminal Courts (Amendment) Ordinance (No. 7 of 1951), the primary purpose of which is to do away with warrant case procedure in trials and to replace it with a consolidated procedure similar in principle to that in summons cases. This is to avoid the unnecessary prolongation of proceedings in warrant cases which that procedure entailed. 695

The Pensions (Increase) Ordinance (No. 10 of 1951), which introduced a scale of increases of pensions payable to officers who retired on pension prior to 1st January, 1946. 657

The Coinage and Currency Ordinance (No. 11 of 1951), under which the currency issued by the East African Currency Board replaced the existing Indian currency prescribed as legal tender under the provisions of the Coinage and Currency Ordinance (Cap. 25). 652

The Exchange Control (Amendment) Ordinance (No. 12 of 1951), which provided for the making of ancillary Exchange Control Regulations to replace certain portions of the Defence (Finance) Regulations, 1941.

The Stamp Duty (Amendment) Ordinance (No. 13 of 1951), which changed the method of paying stamp duty from the affixing of special adhesive stamps to rubber or metal stamped endorsements. Fees not exceeding *Shs.*2 may still, if desired, be paid by adhesive stamps but these stamps shall be ordinary postage stamps. 651

The Court Fees (Amendment) Ordinance (No. 15 of 1951), which effected a change in the method of paying court fees by making provision for the collection and denotation of all court-fees, irrespective of amount, by endorsement, but as a matter of convenience small fees not exceeding *Shs.*2 may optionally be collected and denoted by ordinary postage stamps.